

Entered -7/23/01 - sb
CL -01L0473 - GWENDOLYN BURNS

CLAIM OF: KENYA WALKER
through her attorney
GUANMING FANG
ARNALL GOLDEN GREGORY LLP
1987 Lois Place
Atlanta, Georgia 30318

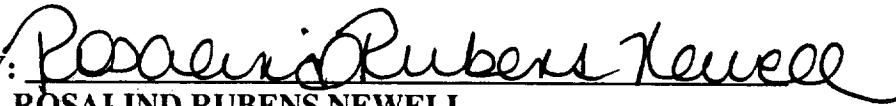
01-R-1823

For damages alleged to have been sustained as a result of a sewer backup on June 3, 2001 at 641 Erin Avenue, Apt. #3.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **KENYA WALKER through her attorney, GUANMING FANG, ARNALL GOLDEN GREGORY LLP** the sum of **\$860.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a sewer backup on June 3, 2001 at 641 Erin Avenue, Apt. #3 as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0473

Date: October 24, 2001

Claimant /Victim KENYA WALKER
 BY: (Atty) (Ins. Co.) Guanming Fang, ARNALL, GOLDEN, GREGORY, LLP
 Address: 2800 One Atlantic Center, 1201 West Peachtree Street, Atlanta, Georgia 30309-3450
 Subrogation: Claim for Property damage \$ 860.00 Bodily Injury \$
 Date of Notice: 7/20/01 Method: Written, Proper X Improper
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
 Date of Occurrence 6/3/01 Place: 641 Erin Avenue, Apt. #3
 Department PUBLIC WORKS Division Sewer Operations
 Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained property damage to her apartment from a sewer back up. An investigation determined that the combined sewer line was overloaded with rainwater and the City was on notice of said reoccurring problem but has failed to correct it.

INVESTIGATION:

Statements: City employee _____ Claimant X Others _____ Written _____ Oral X
 Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X
 Traffic citations issued: City Driver _____ Claimant Driver _____
 Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ X _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____ X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ X _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 860.00 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____
Claims Manager: [Signature] Concur/date 10-31-01
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED

JUL 19 2001

RE: CLAIM FOR DAMAGES

Today's Date: July 16, 2001

Dear Municipal Clerk:

MUNICIPAL CLERK

ENTERED - 7-23-01 - SB
0110473 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 860.00* property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: June 3, 2001 (month/day/year) 2. Time of Incident: 6:15 pm 3. Police called: called 911; police did not come Yes No
4. Location of incident (including street address): 641 Erin Avenue, Apt. #3, Atlanta, GA 30310
5. Name of your insurance company: _____ Policy No. _____
6. State what and how incident occurred: My apt. was flooded with sewage on June 3, 2001. The flood apparently resulted from back-up in sewage pipes that the City of Atlanta operates. There is a prior history of flooding at this apartment.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
- Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)
- City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: _____
(Name) (Address) (Telephone Number)
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Kenya Walker
Signature of Claimant

Kenya Walker

(Print Claimant's Name)

1987 Lois Place

(Address)

Atlanta, Georgia 30318

(City, State and Zip Code)

(404) 523-1144

(Work Number)

(404) 792-07

(Home Number)

*This amount includes \$260 for damages to bunk bed, night stand and of furniture and belongings; \$350 for damage to TV; and \$250 for applic and security deposit for new apartment.

(x) 873-7018

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0473

\$ 860.00

IN CONSIDERATION of the sum of EIGHT HUNDRED AND SIXTY AND 00/100
 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of a property damage incident - sewer backup
which occurred on or about 3rd day of June, 2001,
at or near 641 Erin Avenue, Apt. #3

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to. *X.*

And I now state that the only consideration for my signing this release and indemnification is the payment *any false claim made by the undersigned*
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by *rel.*
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 29th day of October, 2001

Kenya R. Walker (LS)
KENYA WALKER

Guanning Fang (LS)
GUANMING FANG

The above release was read and explained to, and signed by the said Guanning Fang
 in our presence on the date above written.

Donna Tucker
Mark Collett
WITNESSES